

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 30, 2010

DIVISION TWO

B219112 Duenas (Not for Publication)
v.
Fraccionamiento Villas Del Mar, S.A.

The judgment is affirmed. Respondent's motion for sanctions is denied. Respondent is awarded her costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B223445 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Elmo A.

The judgment is affirmed.

Chavez, J.

We concur: Doi Todd, Acting P.J.
Ashmann-Gerst, J.

September 30, 2010 (Continued)

DIVISION TWO (continued)

B218497 People v. Burks (Not for Publication)

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B215704 People (Not for Publication)
v.
Edrosa

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B214985 People (Not for Publication)
v.
Howard

The judgment shall be modified to impose a court security fee of \$20 pursuant to former section 1465.8. The clerk of the superior court is ordered to forward an amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B217697 People (Not for Publication)
v.
Melendez

The order denying Melendez's petition for a writ of error coram nobis is affirmed. The matter is remanded to trial court with directions to treat the petition as a statutory motion to vacate the judgment brought pursuant to section 1016.5, subdivision (b), and to conduct such further proceedings with respect to such motion as are appropriate.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B213993 People v. Mejia (Not for Publication)

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B215138 People (Not for Publication)
v.
Jose A. Canul

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B224246 Los Angeles County, D.C.F.S. (Not for Publication)
v.
S.R., et al.

The petitions are denied. The court's orders are affirmed. The stay is lifted.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B221229 Stephen Silvers (Certified for Publication)
v.
State Board of Equalization et al

The judgment is affirmed. Respondent(s) to recover costs.

Kumar, J. (Assigned)

We concur: Turner, P.J.
Kriegler, J.

B220127 Ray Maiorano (Not for Publication)
v.
Professional Community Management, Inc.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

September 30, 2010 (Continued)

DIVISION FIVE (continued)

B218340 People (Not for Publication)
v.
Ronnie Lyons

The judgment is affirmed.

Kumar, J. (Assigned)

We concur: Turner, P.J.
 Kriegler, J.

B224480 People (Not for Publication)
v.
Alejandro Rios

The judgment is affirmed.

Kumar, J. (Assigned)

We concur: Turner, P.J.
 Mosk, J.

B220709 Donna Robinson (Not for Publication)
v.
John Wagner, as Director, California Department of Social Services, et al.,

That part of the October 1, 2009, judgment contained in paragraph 3 which denied plaintiff relief pursuant to Code of Civil Procedure section 1085, is reversed. Defendants' appeal is dismissed. The remittitur is to issue forthwith. Costs are awarded pursuant to the parties' settlement agreement.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

DIVISION FIVE (continued)

B220896 Amalfi Capital, LLC et al., (Not for Publication)
 v.
 Robert L. Earl et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Kumar, J. (Assigned)

We concur: Turner, P.J.
 Kriegler, J.

B220726 Albert Youssefzadeh, et al., (Not for Publication)
 v.
 740 South Broadway Associates LLC, et al.

The judgment entered in *Youssefzadeh v. 740 South Broadway Associates, LLC* (Super. Ct. L.A. County, 2009, No. BC340967) is reversed. On remand, the trial court is to enter an order denying the plaintiffs' petition to correct the arbitration award and confirming the award without correction. The judgment in *Youssefzadeh v. Youssefzadeh* (Super Ct. L.A. County 2009, No. BC346867) is affirmed. Defendant 646 South Broadway Associates, LLC, is to recover its costs on appeal from plaintiffs, Albert Youssefzadeh and Valentine Youssefzadeh. On remand the trial court is to clarify the judgments in *Youssefzadeh v. 740 South Broadway Associates, LLC* and *Youssefzadeh v. Youssefzadeh* and re-enter judgments that clearly state in whose favor the judgment lies and the relief awarded.

Turner, P.J.

We concur: Kriegler, J.
 Kumar, J. (Assigned)

September 30, 2010 (Continued)

DIVISION FIVE (continued)

B222172 Innovative Artists Talent and Literary Agency, (Not for Publication)
v.
Thom Barry

The judgment is affirmed. Plaintiff, Innovative Artists Talent and Literary Agency, Inc., is to recover its costs on appeal from defendant, Thom Barry.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

DIVISION SIX

B216566 People (Not for Publication)
v.
La Bun Hun

Execution of sentence on count 3 (§ 245, subd. (a)(1)) is stayed pursuant to section 654. A four-year mid-term for simple mayhem (§ 203) is imposed on count 2. The section 1465.8 security fee is reduced to \$60. The superior court is ordered to modify the abstract of judgment to reflect these corrections and forward a copy to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SIX (continued)

B222082 Clevenger (Not for Publication)
 v.
 Board of Education, Santa Inez

The judgment is affirmed. Costs on appeal are awarded in favor of the respondent.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

B226178 Nunes
 v.
 Vista De Santa Barbara Associates, LP

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed 7/22/10) dismissed.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B214038 People v. Carter
B216717 People v. Barber
B217250 People v. Jonathan O.
B217393 People v. Gomez
B217618 People v. Tann
B218513 People v. Torrez
B218941 People v. Richardson
B219761 People v. Andrea V.
B219824 People v. Baltazar
B220044 People v. Alvarez

DIVISION SEVEN (continued)

B221663 People v. Miramontes
B222192 In re Dion Henry on Habeas Corpus
B221471 DCFS v. Gabriela A.
B222552 DCFS v. Christopher A.

Argument waived, cause submitted.

B216917 People
 v.
 Elmore

Merits:
Argued by Eric Larson for appellant and by Rama Maline, Deputy Attorney General for respondent. Cause submitted.

B222061 In re Danny C. Hare on Habeas Corpus
 v.
 People

Merits:
Argued by Nancy Tetreault for respondent and by Michael Rhoads, Deputy Attorney General for appellant. Cause submitted.

B205958 Reham Yassin
 v.
 Ahmed Aboutaleb

Merits:
Argued by Ahmed Aboutaleb, in pro. per. and by Chris Ford for respondent. Cause submitted.

DIVISION SEVEN (continued)

B215440 Braden
v.
All Nippon Airways

Merits:
Argued by Douglas Benedon for appellant and by Edmund Farrell for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B214282 Damm
v.
Wagner, as Director, etc.,

Merits:
Argued by Melinda Bird for appellant and by Karen Fried, Deputy Attorney General for respondent. Cause submitted.

B218012 Kapilow
v.
Coldwell Banker et al.

Merits:
Argued by Marcus Merchasin for appellant and by Jay Statman, Neil Gunny, Ronald Richards and Jerry Kay for respondents. Cause submitted.

B216502 Viral Genetics, Inc.,
v.
Zhabilov

Merits:
Argued by Anntim Vulchev for appellant and by Shaunt Arevian for respondent. Cause submitted.

DIVISION SEVEN (continued)

B213595 Henschel
 v.
 State Bar of California

Merits:
Argued by Bradford Henschel appellant in pro. per. and by Michael Lowenfeldt for respondent. Cause submitted.

B217417 Gdowski
 v.
 City of Palos Verdes

Merits:
Argued by Stanely Lampert for appellant and by June Ailin for respondent. Cause submitted.

B217416 Lewis Brisbois et al.
 v.
 Greer-Jarman et al.

Merits:
Argued by Joseph Klapach for appellants and by Roy Weatherup for respondents. Cause submitted.

Court adjourned.

DIVISION EIGHT

B219892 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Lashena W.,
 In re Ariana P. et al., Persons Coming Under the Juvenile Court Law.

The orders of October 22, 2009, and February 8, 2010, are affirmed.

Flier, J.

We concur: Bigelow, P.J.
 Rubin, J.

DIVISION EIGHT (continued)

B216434 Ali Abou Arabi (Not for Publication)
 v.
 Bahaa Elmasry et al.,

The judgment is affirmed. Defendants are to recover their costs on appeal.

Bigelow, P.J.

We concur: Bigelow, P.J.
 O'Connell, J. (Assigned)

B219539 Ron Starr (Not for Publication)
 v.
 Martha Starr

The judgment is affirmed. Respondent shall recover her appellate costs.

Rubin, Acting P.J.

We concur: Flier, J.
 Grimes, J.

B215775 John Doe 1 et al., (Certified for Publication)
 v.
 Franciscan Friars Of California, Inc., et al.,

We affirm all the orders of the trial court challenged in this appeal and consequently hold that the documents in the possession of the Franciscans concerning the Individual Friars may be publicly released. Plaintiffs are awarded costs on appeal.

Grimes, J.

We concur: Rubin, Acting -+P.J.
 Flier, J.

DIVISION EIGHT (continued)

B216004 Rogelio Hernandez (Not for Publication)

v.

Chipotle Mexican Grill, Inc.,

Because there is substantial evidence to support the trial court's discretionary ruling, we affirm the order denying certification. Chipotle is awarded costs on appeal.

Grimes, J.

We concur: Flier, Acting P.J.
 O'Connell, J. (Assigned)

B218810 People (Not for Publication)

v.

Larry Serrano

The judgment is affirmed.

Grimes, J.

We concur: Flier, Acting P.J.
 O'Connell, J. (Assigned)

B217360 People (Not for Publication)

v.

Isabel Sosa

The case is remanded with directions to correct the sentence on the enhancement on count 4. The order directing appellant to pay attorney fees and investigative costs is vacated. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Bigelow, P.J.
 Grimes, J.

September 30, 2010 (Continued)

DIVISION EIGHT (continued)

9-30-10
1014460-10

The Honorable **BEVERLY REID O'CONNELL**, Judge of the Superior Court of California, County of **LOS ANGELES**, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division **EIGHT**, as a justice thereof, on the following dates:

October 16, 2010 to November 30, 2010

and until completion and disposition of all causes and matters pro tempore submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

September 28, 2010

Ronald M George

Chief Justice of California and

Chairperson of the Judicial